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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,348	05/25/2000	Christopher E. Pearce	062891.0405	7459

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EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/579,348

Applicant(s)

PEARCE ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Petition filed on 4/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/16/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2-7, 9, 15-28, 38-45 and 46-53 are rejected under 35 USC 102(e) as being anticipated by Kung et al. (US pat. No. 6,671,262 B1).

In claims 1, 15, 38 and 46, Kung et al. discloses, in Fig.2, a call manager 218 coupled to IP network 120 (call manager in packet based network). The call manager stores list of subscribers, verifies identity of the calling subscribers (storing registration information associated with devices). See col.10, lines 25-35. Refer to Fig.13, the call manager ( first call manager) receives a call joining into an existing conference (step 1301, response to a change in a device) communicates with other call managers (step 1315, communicating status information to a second manager). At step 1327, the new call manager updates the new calling subscriber to the

conference call (updating registration information by the second call manager in response to receiving the status information). See col.36, lines 15-60.

Claims 2-7, 9, 16-28, 39-45 and 47-53 depend on claims 1, 15, 38 and 46. Therefore, they are rejected under claims 1, 15, 38 and 46 as well.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10-13 are rejected under 35 USC 103(a) as being unpatentable over Kung et al. (US pat. No. 6,671,262 B1) in view of Kung et al. (US Pat. No. 6,570,855 B1).

In claims 8 and 10, Kung et al. ('262) has disclosed the first limitation in claim 1. Further, Kung et al. discloses the call manager 218 determines, at step 1309, that it does not have enough resources for new subscribers trying to join the conference (determining the first call manager has gone off-resources). At step 1323 the new call is disconnected (deleting the call). Eventhough Kung et al ('262) does not disclose determining the call manager has gone off line or on-line, one skill in the art should be able to modify the Kung et al. ('262) to determine the call manager has gone off/on line. In addition, Kung et al. ('855 B1) discloses in col.7, lines 1-15, that the servers may be provisioned as a main server and one or more backup servers to provide redundant possibilities. Therefore, it would have been obvious to one ordinary skill in

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the art to determine the call manager of Kung et al. has been disconnected /connected from the network. The motivation is to poll for any available call manager to updating the network.

Claims 11-13 depend on claim 10. Therefore, they are rejected under claim 10 as well.

In claim 14, the limitations of this claim have been addressed in claims 1, 8 and 10.

Claim 29-37 are rejected under 35 USC 103(a) as being unpatentable over Banks et al. (US Pat. No. 6,760,416 B1) in view of Kung et al. (US pat. No. 6,671,262 B1).

In claim 29, Banks et al. discloses, in Fig.6A, a connectivity manager 21 comprising a protocol stack 68 for controlling communication setup between end systems A, B and monitoring data transfer (one or more devices processes controlling devices coupled to packet based network). See col.10, lines 5-10. A data base 204 ( a digit analysis module) stores subscribers records 63 including telephone number, address of subscribers (storing registration information associated with devices). See col.9, lines 30-55. Banks et al. does not disclose a second call manager receives status information from the digit analysis module from the first call manager in response to a change of a device. Kung et al. ('262) discloses a communication between call managers 218 in response to a new call wishing to participate the conference ( see Fig.13, step 1317). Therefore, it would have been obvious to one ordinary skill in the art to add a second call manager into Banks et al. to update registration information of devices in response to a new device connecting into the network. .

Claims 30-37 depend on claim 29. Therefore, they are rejected under claim 29 as well.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jesurum et al. (US pat. No. 5,430,792) discloses Automated telephone Calling System.

Sato et al. (US Pat. No. 6,718,482 B2) discloses Fault Monitoring System.

Falls et al. (US pat. No. 5,950,198) discloses Processes and Apparatuses for Generating Correspondency through Replication and Synchronization between Target and source computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 4:30PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571 272 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



**HANH NGUYEN  
PRIMARY EXAMINER**